IN THE HIGH COUR OF UTTARANCHAL AT NAINITAL

Criminal Appeal No. 251 of 2001
(Old No. 1908 of 1985)

Yudhavir Singh
S/o Vijai Singh
R/o Srinagar, District Pauri Garhwal……Appellant

Versus

State of Uttar Pradesh …….Respondent.

Hon'ble Prafulla C. Pant, J.

This appeal, is directed against the judgment and order dated 03.07.1985, passed in special criminal case No. 05 of 1983, by learned Special Judge, Pauri Garhwal, whereby appellant Yudhvir Singh, has been convicted under Section 3/7 of Essential Commodities Act, 1955, and sentenced to undergo three months rigorous imprisonment.

2. Prosecution story in brief is that on 11.01.1983, at about 11:30 A.M., Shri K.C. Pundir, Station House Officer of police station Srinagar, along with Constables Jagdish Singh, Badri Prasad and others, on receipt of complaint, inspected the house under construction of Yudhvir Singh (appellant) and recovered 38 bags of cement for which he could not show the valid papers. Recovery memo (Ext. A-1) was prepared by the police party and after investigation charge sheet was filed against appellant Yudhvir Singh along with Santosh Kumar Gupta, Junior Engineer, P.W. D., Srinagar, relating to offence punishable under Section 3/7 Essential Commodities Act, 1955, for

violation of U.P. Cement Control Order, 1973. The accused persons, pleaded not guilty and prosecution evidence was recorded. After hearing the parties, trial court found accused/appellant Yudhir Singh guilty of the charge, framed against him. (Santosh Kumar Gupta was found not guilty of charge).

4. Perusal of the record, shows that the sentence awarded by the trial court, has already been served out by the accused/appellant and fine too has been deposited. This is 21 years old appeal. There is none present on behalf of the appellant. I have gone through the statement of witnesses, recorded by the trail court and other papers on record. I'm in agreement with the finding of the trial court regarding conviction and sentence, awarded by the said court against appellant. In the above circumstances, for the reasons, as discussed above, this appeal is liable to be dismissed. The same is dismissed. (All pending applications in this case also stand disposed of.)

Dt.28.10.2006 **(Prafulla C. Pant, J.)**
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